



September 23, 2021

**H.R. 3755, Women's Health Protection Act**  
*After the Supreme Court Permitted the Radical Texas Abortion Law to Go into Effect,  
Enactment of the Women's Health Protection Act Has Become Even More Urgent*

**Key Points:**

- **On Friday, the House will consider H.R. 3755, Women's Health Protection Act. This critical bill will enshrine access to reproductive health care into law for everyone across America, regardless of what state they live in. In 1973, the Roe vs. Wade Supreme Court decision held that women's access to abortion is a constitutional right and the Court has repeatedly upheld Roe v. Wade as precedent for nearly half a century.**
- The Women's Health Protection Act is bicameral legislation. On June 8, it was introduced in the House as H.R. 3755 by Reps. Judy Chu (D-CA), Lois Frankel (D-FL), Ayanna Pressley (D-MA), and Veronica Escobar (D-TX). It currently has 214 cosponsors in the House. On June 8, the bill was also introduced in the Senate as S. 1975 by Sens. Richard Blumenthal (D-CT) and Tammy Baldwin (D-WI). It currently has 47 cosponsors in the Senate.
- **The decision on September 1 of the U.S. Supreme Court to permit the implementation of SB 8, the extremist Texas abortion law, the threat of numerous other state attacks on the constitutional right to reproductive choice, and decades of precedent leave the U.S. House of Representatives no choice but to act and pass this bill.**
- **This critical bill is supported by a range of organizations, including National Nurses United, American Public Health Association, The Leadership Conference on Civil and Human Rights, AFSCME, Catholics for Choice, Jewish Women International, United Church of Christ, National Asian Pacific American Women's Forum, ACLU, Moms Rising, National Women's Law Center, Planned Parenthood Federation of America, National Family Planning & Reproductive Health Association, National Abortion Federation, Center for Reproductive Rights, NARAL Pro-Choice America, National Latina Institute for Reproductive Justice, Human Rights Campaign, UltraViolet, and In Our Own Voice: National Black Women's Reproductive Justice Agenda.**

**Women's Health Protection Act**

- **The Women's Health Protection Act would establish the federal statutory right for health care providers to provide abortion care, and the federal statutory right for patients to receive it, free from unnecessary state bans and restrictions intended to impede or block this access.**
- **The bill is landmark legislation that guarantees the right to access abortion care, free from political interference, no matter where someone lives.**

- The bill ensures that patients can access abortion care and health care providers can provide it without burdensome restrictions that single out abortion care as compared with other medical procedures with similar risk.
- Enactment of the Women’s Health Protection Act would ensure that no matter where you live, what your background, or what your zip code, you have the same constitutional rights as all other American women.
- We must entrust women to make their own decisions about their bodies and reproductive lives. The Women’s Health Protection Act will take the power to make these deeply personal health care decisions out of Governors’ mansions and state legislatures and put them back where they belong: in the hands of patients and their doctors.

### **For the Last Several Years, Access to Abortion Care Has Been Under Attack By Many Hostile State Legislatures**

- Since 2011, anti-abortion lawmakers have passed nearly 500 restrictive laws through state legislatures, including such laws as:
  - Banning certain abortions outright;
  - Banning specific methods of abortion;
  - Banning abortions based on someone’s reason for seeking abortion care;
  - Imposing and/or extending waiting periods before one can receive abortion care;
  - Forcing health providers to deliver biased and inaccurate counseling to those seeking abortion care;
  - Mandating that patients undergo medical procedures that are medically unnecessary before receiving abortion care; and
  - Placing burdensome, targeted regulations on abortion providers.
  - This has been a dedicated and organized effort to undermine the protections of *Roe v. Wade* and achieve the extremist goal of outlawing abortion in the United States.

### **Now, Texas Has Enacted the Most Extreme Abortion Law Yet – Effectively Denying Most Texas Women the Ability to Exercise Their Constitutional Rights Under *Roe v. Wade***

- On September 1, U.S. Supreme Court chose not to block the extremist, clearly unconstitutional Texas abortion law from being implemented – defying decades of clear Supreme Court precedent.
- The result is that a state legislature is claiming to have the power to deny some of its own citizens the ability to exercise their constitutional rights.

### **What Does the Outrageous Texas Abortion Law Do?**

- The Texas abortion law is the most extreme abortion law in effect in the United States.
- It bans abortions after six weeks of pregnancy, with no exception for rape or incest.
- It has had the effect of immediately preventing the vast majority of Texas women from accessing abortion care, as most are not aware they are pregnant as early as six weeks – thereby denying women what has been their constitutional right since 1973.
- In an effort to avoid judicial scrutiny, it provides that instead of government officials enforcing this law, private citizens will enforce the law, deputizing private citizens to bring lawsuits against health care providers or anyone else they believe has helped a Texas woman get an abortion after six weeks of pregnancy.
- The Texas law also establishes a kind of bounty system. If these vigilante plaintiffs are successful in their lawsuits, the law allows them to collect cash judgments of \$10,000 – and their legal fees – from those they sue.
- Hence, not only does this outrageous state law have the effect of denying millions of Texas women their ability to exercise their constitutional rights, it also creates financial incentives for individuals to

investigate and interfere with the personal lives and health care decisions of their neighbors and acquaintances.

- This abortion law is clearly unconstitutional, based on decades of established precedent. That the Supreme Court allowed this law to be implemented is a clear sign that abortion rights continue to be under serious attack and must be protected.
- The Women’s Health Protection Act will protect the constitutional rights of all American women, no matter where they live.

## EXCERPTS FROM LETTERS/STATEMENTS FROM GROUPS SUPPORTING WOMEN’S HEALTH PROTECTION ACT

### **National Nurses United**

*“National Nurses United supports the right of all women and people who can get pregnant to full and equal healthcare services, including reproductive and family planning health services as a fundamental human right. On behalf of the 175,000 registered nurses represented by National Nurses United, we write to you today to endorse the Women’s Health Protection Act (H.R. 3755). ... The Women’s Health Protection Act establishes a statutory right for health professionals to provide abortion care without any medically unnecessary restrictions or limitations that impede access to abortion. With increasing attacks on reproductive rights, it is critical that Congress swiftly takes steps to protect access to abortion and reproductive health care. ... The decision to have an abortion is a decision that should be made between a person and their health care providers – it is not a decision that politicians have any right to be engaged in. We urge you to stand with nurses and vote yes on HR 3755 to protect the right of all people to access abortion care and reproductive health services.”*

### **AFSCME**

*“On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to support the Women’s Health Protection Act (H.R. 3755) ... We are at a critical moment in our history for women’s rights and economic freedoms, and Congress must act decisively. Women comprise more than half of AFSCME’s membership. We believe reproductive rights are issues of life and death for women. Further, reproductive rights are human rights recognized in national law and in international human rights documents. But women’s reproductive rights are continually being eroded through restrictive laws, ... as seen recently by the six-week abortion ban, SB 8, passed in Texas, and the refusal of five Supreme Court justices to block the blatantly unconstitutional law. Many states are likely preparing copy-cat bills in the wake of the Texas law. However, a majority of American voters believe that matters related to women’s reproductive rights, including contraception and abortion, are personal issues that should be decided by women with their families, health care providers, and/or clergy members. ... Congress must act now. Please stand with the women of AFSCME and the women of this country and support the Women’s Health Protection Act.”*

### **American Public Health Association (APHA)**

*“On behalf of the American Public Health Association, ... I write in strong support of H.R. 3755, the Women’s Health Protection Act. APHA strongly believes that access to the full range of reproductive health services, including abortion, is a fundamental right. Evidence tells us that access to safe abortion is a key factor in preventing deaths and disability among pregnant people due to pregnancy-related causes. State laws that restrict abortion access not only lead to worse pregnancy-related health outcomes but also further health equity gaps by race, ethnicity, income and location and increase the economic costs associated with exacerbated inequity. ... Now, more than ever the right to abortion needs to be codified in federal law. The Women’s Health Protection Act would create a statutory right for abortion providers to provide abortion care and for patients to receive it. Creating a statutory right at the federal level to receive and provide abortion care would invalidate state-level attacks against the right to abortion like the Texas law. .... We strongly urge you to protect the right to access to abortion care by supporting this important legislation when it comes to the House floor for a vote this week.”*

### **The Leadership Conference on Civil and Human Rights**

*"On behalf of the Leadership Conference on Civil and Human Rights, ... we write in support of the Women's Health Protection Act of 2021. ... By protecting abortion access from medically unnecessary restrictions that obstruct the right of all persons to obtain safe, legal abortion services, the Women's Health Protection Act seeks to remedy and prevent the onslaught of state-level abortion bans and restrictions that cause significant and sometimes insurmountable challenges to receiving abortion care. ... Every person deserves the ability to make the healthcare decisions that are right for them, and every person must be able to make their own decisions about having children, free from government interference and discrimination. ... We strongly urge you to support the Women's Health Protection Act."*

### **Planned Parenthood Federation of America**

*"The majority of Americans know: Abortion is safe, essential health care. Yet state politicians across the country have been doing all they can to block people from this care. ... A person's ability to access reproductive health care should never be determined by their ZIP code or their income. The Women's Health Protection Act would bring us one step closer to a world where everyone can take full control of their bodies and their futures. ... The need to pass the Women's Health Protection Act became all the more urgent last month when the U.S. Supreme Court announced that it would hear its first case on abortion access since Justice Amy Coney Barret joined the court. That case is a direct challenge to precedent set by *Roe v. Wade* guaranteeing a constitutional right to abortion. 79 percent of Americans support the right to safe, legal abortion protected under *Roe*. Overturning *Roe* would put more than 25 million women at risk of losing abortion access – over a third of women of reproductive age in the United States."*

### **Center for Reproductive Rights**

*"On Friday, the House will be voting on H.R. 3755, the Women's Health Protection Act (WHPA). This will be the first vote on proactive abortion legislation in nearly 30 years and comes on the heels of the Supreme Court's decision to allow SB 8, Texas's draconian ban on abortion at 6 weeks of pregnancy, to go into effect, ending at least 85 percent of abortion care in the state. Right now, for the 7 million women of reproductive age in Texas, the constitutional right to access abortion is effectively meaningless. ... WHPA provides additional tools for legal challenges and defenses against laws like SB 8 and any copycat laws that may be introduced in other states. It has never been more urgent for Congress to pass this legislation."*

### **NARAL Pro-Choice America**

*"The threat to reproductive freedom is looming larger than ever before and it is abundantly clear that the fundamental freedom to make our own decisions about our lives, futures, and families, is at stake. It is critical that both the House and Senate pass the Women's Health Promotion Act before states around the country follow Texas's lead and the Supreme Court has the chance to further gut the legal right to abortion. The Women's Health Protection Act safeguards the federal right to abortion should *Roe V. Wade* fall, creating a right for healthcare providers to provide abortion care and a corresponding right for people to receive that care, free from bans and medically unnecessary restrictions that single out abortion and block access to care."*

### **National Latina Institute for Reproductive Justice**

*"Texas policymakers have enacted a web of abortion restrictions over the last decade, causing harm to Texas communities and persons seeking abortion care. Then, on September 1, SB 8 went into effect, banning abortions after six weeks in Texas. SB 8 targets the ways our communities have come together to support each other as we already have to navigate a discriminatory healthcare system. By allowing citizens to sue each other, SB 8 threatens to drown community support systems, like abortion funds, in legal fees and penalties until they no longer exist. Texans will now have to travel 14 times farther to get abortion care. ... Abortion is healthcare and healthcare is a human right. We need Congress to act now. WHPA would create a statutory right for providers to provide, and people to receive, abortion care, free from medically unnecessary restrictions that single out abortion care. It will take a huge step forward in making sure all communities can access the healthcare they need."*

### **Human Rights Campaign**

*"The Human Rights Campaign urges Members of Congress to vote YES on H.R. 3755. We will consider this a key vote. The Women's Health Protection Act establishes a statutory right for health care providers to provide, and their patients to receive, abortion care free from medically unnecessary restrictions, limitations, and bans that delay, and at times completely obstruct, access to abortion. ... Since 2011, efforts have grown to make abortion more difficult to access, with anti-abortion lawmakers advancing more than 500 restrictive laws through state legislatures. Restrictive abortion laws, quite simply, are aimed at controlling one's right to make decisions about their bodies. In addition, laws that restrict access to abortion, disproportionately harm people who already face discriminatory obstacles to health care, particularly Black, Indigenous, and other people of color, women, young people, people with disabilities, immigrants, people living in rural communities, and members of the LGBTQI+ community."*

### **National Women's Law Center**

*"It's long overdue that Congress pass the Women's Health Protection Act. For decades, anti-abortion legislators have passed hundreds of senseless and harmful restrictions on abortion. And last month, the Supreme Court announced it will take on a critical case that could gut or overrule the right to abortion. We need proactive legislation like WHPA that affirms the right to abortion and enables abortion care is accessible to all. WHPA brings us closer to a world where everyone can receive the abortion care they need without barriers, fear, or interference from others. All people deserve to control their own bodies, lives, and futures. We thank the champions in Congress who continue to fight for that reality."*

### **United Church of Christ**

*"Congress needs to pass the Women's Health Protection Act, which bars state and local abortion restrictions. ... As a justice-seeking people, we cannot remain silent while state laws transform us into a map of "haves and have-nots" with regard to access to reproductive health services. Protecting access to the full range of reproductive health care for all – including safe, legal abortion – is an imperative rooted in our deeply-held faith beliefs in social justice, moral agency, and religious liberty for all. Please contact your member of Congress to support passage of the Women's Health Protection Act so any person is able to make their own medical decisions based on their values and with the consultation of their medical team, and without barriers imposed by economic status, employment status, or zip code."*

### **UltraViolet**

*"The Women's Health Protection Act is a crucial federal safeguard against the erosion of abortion access by medically unnecessary restrictions and bans. Passing this bill means creating non-negotiable access to reproductive healthcare, no matter the state. The Women's Health Protection Act would keep our constitutional right to abortion intact, regardless of whether the Supreme Court guts Roe v. Wade or state governments pass legislation restricting reproductive rights. Enacting this bill would be a landmark step toward creating a nation in which every person – regardless of who they are or where they're from – is free to make the best health care decisions for themselves. We urge Congress to pass the Women's Health Protection Act without delay."*